

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BUILDERS ASSOCIATION OF
METROPOLITAN PITTSBURGH,

Plaintiff,

v.

CITY OF PITTSBURGH; *et al.*,

Defendants.

Civil Action

No. 2:22-cv-706-RJC

Judge Robert J. Colville

**MOTION TO INTERVENE BY LAWRENCEVILLE UNITED,
THE BLOOMFIELD DEVELOPMENT CORPORATION, THE POLISH HILL CIVIC
ASSOCIATION, THE HILL DISTRICT CONSENSUS GROUP,
AND THE FAIR HOUSING PARTNERSHIP OF GREATER PITTSBURGH**

Lawrenceville United, The Bloomfield Development Corporation, The Polish Hill Civic Association, The Hill District Consensus Group, and The Fair Housing Partnership of Greater Pittsburgh (together, “Intervenors”) respectfully move to intervene and become Defendants as of right pursuant to FED. R. CIV. P. 24(a)(2), or, in the alternative, permissibly under FED. R. CIV. P. 24(b)(1). A memorandum of law setting forth all the facts and legal arguments in support of this Motion to Intervene is filed herewith.

Proposed Intervenors have significant, concrete and protectable interests in upholding the challenged Inclusionary Zoning Ordinance (“IZO”). Indeed, Intervenors are the very nonprofit community organizations in Pittsburgh who advocated for passage of the IZO and represent members and communities who will directly benefit from the inclusive mixed-income neighborhoods the IZO aims to create. If Plaintiff Builders Association of Metropolitan Pittsburgh (“BAMP”) prevails in this litigation, Intervenors’ organizational missions to support inclusive

neighborhoods and affordable housing would be impaired. BAMP's requested relief would impact low-wage working Pittsburghers ability to live in rapidly developing neighborhoods and would accelerate the ongoing displacement of Black Pittsburgh residents whose incomes are outpaced by soaring housing costs. Intervenor—as catalysts for the passage of the IZO and representatives of the beneficiaries—are uniquely capable of presenting valuable facts and arguments to the Court. Intervenor's interests in this litigation are not adequately represented by the City whose primary focus is to vindicate its authority to enforce a duly enacted ordinance.

Accordingly, proposed Intervenor are entitled to intervene as of right under Rule 24(a) because they have (1) filed a timely motion to intervene; and (2) have a sufficient interest in the instant litigation, that (3) stands to be impaired or affected by the resolution of this case, and (4) are not adequately represented by the existing parties. *See Liberty Mut. Ins. Co. v. Treesdale, Inc.*, 419 F.3d 216, 220 (3d Cir. 2005); Fed. R. Civ. P. 24(a). Proposed Intervenor are, in the alternative, entitled to intervene permissibly under Rule 24(b) because they have “defense[s] that share[] with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1)(B). Pursuant to Fed. R. Civ. P. 24(c), Intervenor attach their responsive pleading that sets out the defenses for which intervention is sought as **Exhibit A**.

Because this motion is being filed at the initial stages of the litigation, granting intervention will not delay or prejudice the adjudication of any party's rights. Proposed Intervenor's counsel have contacted counsel for all other parties who have entered appearances in this case to ascertain whether there is any opposition to this motion. Counsel for BAMP have advised that BAMP does not consent to the Proposed Intervenor's motion. Defendants do not oppose Proposed Intervenor's intervention.

WHEREFORE, Proposed Intervenors respectfully request that the Court grant their motion to intervene as of right or, in the alternative, grant their motion under the standard for permissive intervention.

Date: August 15, 2022

Respectfully submitted,

/s/ Kevin Quisenberry

Kevin Quisenberry (PA No. 90499)
COMMUNITY JUSTICE PROJECT
100 Fifth Avenue, Suite 900
Pittsburgh, PA 15222
Tel: (412) 434-6002
kquisenberry@cjplaw.org

Mary M. McKenzie* (PA No. 47434)
Mary Elizabeth Schluckebier* (PA No. 320782)
PUBLIC INTEREST LAW CENTER
1500 JFK Blvd., Suite 802
Philadelphia PA 19102
Tel: (215) 627-7100
Fax: (215) 627-3183
mmckenzie@pubintl.org
mbschluckebier@pubintl.org

Thomas Silverstein* (D.C. Bar No.1552406)
Sophia B. Jayanty* (N.Y. Bar No. 5570056)
LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW
1500 K Street NW, Suite 900
Washington, DC 20005
Tel: (202) 662-8307
Fax: (202) 783-0857
tsilverstein@lawyerscommittee.org
sjayanty@lawyerscommittee.org

* *Pro hac vice* forthcoming.

Counsel for Proposed Defendant Intervenors